

Delegated Report

Planning Ref: 24/01133/NMA
Applicant: Mr Mark Evans
Ward: Hinckley De Montfort



Hinckley & Bosworth
Borough Council

Site: 81 Woodland Road Hinckley Leicestershire

Proposal: Non material amendment to planning permission 24/00807/HOU to reduce the length of the proposed extension by 2 metres

1. Recommendations

1.1. Permit non-material amendment subject to:

- The original time and matching materials planning conditions 1 and 3 attached to planning permission 24/00807/HOU and amended planning condition 2 (with revised plan references and date) at the end of this report.

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 24/00807/HOU which granted full planning permission for a single storey rear extension with flat roof and roof lantern to a dwelling, 81 Woodland Road, Hinckley.
- 2.2. The proposed non-material amendments to the approved scheme relate to the reduction in the length/depth of the previously approved single storey flat roof rear extension by 2 metres from 9 metres (with an additional 1.5 metre roof overhang) down to 7 metres (with an additional 1.5 metre roof overhang). The rear elevation glazed door/window would also be increased slightly in width and the roof lantern would have a lower profile/height to that previously approved.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Hinckley and in a residential area. It is a detached traditionally styled two storey house with gable sided main roof form. It has two storey front bay windows with a subordinate dual pitched gable fronted roof above supported by painted timber brackets, integrated open entrance porch with arched soldier bricks and decorative keystone above and a brick chimney stack to the roof. It is constructed of plain red facing bricks, white rough-cast rendered panel between front bays, small plain grey roof tiles and white uPVC windows. It has a small flat roof kitchen extension attached to the rear elevation and a detached flat roofed garage set back to the side and rear. The side driveway and site frontage are surfaced in loose stones and provide off-street parking spaces. There is a long well enclosed rear garden.
- 3.2. Woodland Road is characterised by predominantly two storey detached houses with traditional styling but with variety in terms of scale, design and appearance.

4. Relevant planning history

24/00807/HOU

- Single storey rear extension with flat roof and roof lantern
- Permitted
- 25.09.2024

5. Publicity

- 5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this case no publicity or consultations have been undertaken.

6. Consultation

- 6.1. No consultations are necessary or have been undertaken.

7. Policy

- 7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.

- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the local development plan or the revised National Planning Policy Framework (2024) that would be material to the outcome of the assessment of the application in this case.

- 7.1. Core Strategy (2009)

- No relevant policies

- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Local Highway Authority Design Guide

8. Appraisal

- 8.1. Key Issues:

- Whether the proposed amendment to reduce the depth/length of the previously approved single storey flat roof rear extension by 2 metres is considered to be non-material in respect of the overall design and appearance of the scheme and any impacts upon the amenities of any neighbouring properties, and therefore constitutes a non-material amendment to the approved scheme
- Conditions

Assessment

- 8.2. Section 96A of the Town and Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. The document Greater

Flexibility for Planning Permissions Guidance (2010) in paragraph 42 makes it clear that there is no statutory definition of 'non-material' as this is so dependent upon the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the local planning authority to be satisfied that the amendment sought is non-material in order to grant an application under S96A.

- 8.3 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendments need to be considered in the context of the overall scheme for extension and alteration to the existing dwelling.
- 8.4 The siting, single storey scale, width and flat roof design/height of the rear extension and separation distances to neighbouring properties either side remain as originally proposed and approved. The proposed amendment is limited to the reduction of the depth/length of the extension from the rear elevation by 2 metres from 9 metres with an additional 1.5 metre roof overhang to 7 metres with an additional 1.5 metre flat roof overhang.
- 8.5 The proposed 2 metre reduction in depth/length and de minimis fenestration amendments would be located to the rear of the previously approved single storey flat roof extension and within a long and well enclosed rear garden and be located between existing neighbouring structures where they would have no material visual impacts on the application dwelling, neighbours, the street scene or the surrounding area, and the proposal would remain as a clearly subordinate addition to the existing two storey dwelling. The proposal would still be constructed in matching corresponding external materials to ensure a satisfactory and unified appearance.
- 8.6 As a result, it is considered that the proposed amendments would have no material impacts upon the overall scale, character, design acceptability or appearance acceptability of the approved scheme, the residential amenity or privacy of any neighbouring occupiers or off-street parking provision to serve the resulting dwelling. It is therefore considered that the proposed amendments would be non-material in the context of the overall scheme in planning terms in this case.

Conditions

- 8.7 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.8 The development has not yet begun therefore Condition 1 (time) of the original planning permission remains reasonable and necessary and the development would need to be commenced prior to the expiry of three years from 25 September 2024, the date of the original planning permission. Condition 2 (approved plans) would need to be amended to refer to the development being carried out in accordance with the approved amended/revised proposed floor plan and elevations drawings submitted under this application. Condition 3 (matching corresponding external materials) remains reasonable and necessary to ensure a satisfactory and unified external appearance. No additional conditions are necessary to make the amended scheme acceptable in planning terms.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendments to planning permission reference 24/807/HOU have been considered in the context of the overall scheme. It is considered that the amendments proposed would not result in any material impacts on the acceptability of the scheme in design terms or any material impacts upon the residential amenity or privacy of any neighbouring occupiers or off-street parking provision when compared to the approved scheme. The proposed amendments are therefore considered to be non-material in the context of the overall scheme in planning terms in this case.

11. Recommendation

- 11.1 **Permit non-material amendment** subject to:

- The original time and matching materials planning conditions 1 and 3 attached to planning permission 24/00807/HOU and amended planning condition 2 (with revised plan references and date) at the end of this report.

11.2 Conditions and Reasons

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Site Plans at scale 1:200 (page Nos. 4 and 5), Proposed Ground Floor Plan (page No. 2), Proposed Elevations Drawing (page No. 3) received by the local planning authority on 16 December 2024.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).